

Nixon & Vanderhye PC.

ATTORNEY AT LAW

8TH FLOOR
1100 NORTH GLEBE ROAD
ARLINGTON, VIRGINIA 22201-4714

TELEPHONE: (703) 816-4000
FACSIMILE: (703) 816-4100
WRITER'S DIRECT DIAL NUMBER:
(703) 816-4011

FACSIMILE COVER SHEET
PLEASE DELIVER IMMEDIATELY!!!!

Atty Dkt.: 1579-599 Date: January 16, 2004

To: Examiner Stucker, J. - Group: 1648
Firm: USPTO
Facsimile No.: (703) 746-5182
From: Mary J. Wilson

Number of Pages (including cover sheet): 14

ATTACHMENT/S: **COURTESY COPY OF LETTER UNDER RULE 312 FILED
OCTOBER 27, 2003 W/POSTCARD RECEIPT EVIDENCING
THAT FILING. ATTACHED TO THE LETTER UNDER RULE 312
ARE THE PRELIMINARY AMENDMENT DATED AUGUST 21,
2003 AND FACSIMILE RECEIPT EVIDENCING THE FILING OF
THAT AMENDMENT**

In re PATENT APPLICATION OF:

HAYNES et al

Serial No.: 09/960,717 - Filed: September 24, 2001

For: IMMUNOGEN COMPRISING AN HIV ENVELOPE PROTEIN, A LIGAND AND
H2 PEPTIDE

Dear Examiner Stucker:

Attached is the courtesy copy of the 312 Letter dated October 27, 2003, attachments referenced in that Letter and postcard receipt evidencing the October 27, 2003 filing date. You will note that claim 16 was revised in the Preliminary Amendment to delete the word "noncovalently". That deletion was made to ensure that original claim 17, which depends from claim 16, was properly dependent. In this regard, you will note that claim 17 indicates that gp120, gp41, the ligand and the HR-2 peptide are crosslinked.

(continued)

CONFIDENTIALITY NOTE

The documents accompanying this facsimile transmission contain information belonging to Nixon & Vanderhye, which is confidential and/or legally privileged. This information is only intended for the use of the individual or entity named above. IF YOU ARE NOT THE NAMED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISCLOSURE, COPYING, DISTRIBUTION OR TAKING OF THIS INFORMATION FOR ANY USE WHATSOEVER IS STRICTLY PROHIBITED. If you have received this facsimile in error, please immediately contact us by telephone to

By way of background, and to facilitate your review, I direct your attention to the following;

- i) In the restriction requirement of August 5, 2002, claims 16-18 were indicated as constituting Group II, drawn to an isolated immunogen comprising HR-2 bound to HIV peptide.
- ii) In the Response filed September 5, 2002, Applicants elected Group II, with traverse.
- iii) In the Office Action dated October 11, 2002, the restriction requirement was made final and it was noted that claim 18 (which does not require the presence of HR-2) was initially included in Group II in error, thus, the October 11, 2002 Action was based solely on a consideration of claims 16 and 17.

I trust the foregoing is helpful but please let me know if you have questions.

Mary J. Wilson

CONFIDENTIALITY NOTE

The documents accompanying this facsimile transmission contain information belonging to Nixon & Vanderhye, which is confidential and/or legally privileged. This information is only intended for the use of the individual or entity named above. IF YOU ARE NOT THE NAMED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISCLOSURE, COPYING, DISTRIBUTION OR TAKING OF THIS INFORMATION FOR ANY USE WHATSOEVER IS STRICTLY PROHIBITED. If you have received this facsimile in error, please immediately contact us by telephone to arrange for return of the original documents to us.

Serial No.: 09/960,717
Applicant: HAYNES et al
Title: IMMUNOGEN
Atty: MSW
Date: 10-27-2003
Client: DUKE UNIV.
Ref: 1529-594

☒ Amendment LETTER UNDER RULE 312
☐ Page Specification
☐ Claims
☐ Sheets Drawings: Formal _____ Informal _____
☐ Declaration (_____ Pages)
☐ Assignment
☐ Priority Document
☐ Base Issue Fee Transmittal
☐ Fee (Check)

Other: COPY OF PRELIMINARY AMENDMENT
AND FACSIMILE TRANSMITTAL RECEIPT
SUBMITTED AUGUST 21, 2003

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

**RESPONSE UNDER RULE 312
EXPEDITED HANDLING PROCEDURES**

In re Patent Application of

Atty Dkt. 1579-599
C# M#

AYNES et al

Group Art Unit: 1648

Serial No. 09/980,717

Examiner: Stucker, J.

Filed: September 24, 2001

Date: October 27, 2003

Title: IMMUNOGEN

Mail Stop Issue Fee
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

LETTER UNDER RULE 312

This is a response/amendment/letter in the above-identified application and includes an attachment which is hereby incorporated by reference and the signature below serves as the signature to the attachment in the absence of any other signature thereon.

☐ **Correspondence Address Indication Form Attached.****Fees are attached as calculated below:**

Total effective claims after amendment	0	minus highest number	\$	0.00
previously paid for 20 (at least 20) =	0	x \$ 18.00		
Independent claims after amendment	0	minus highest number	\$	0.00
previously paid for 3 (at least 3) =	0	x \$ 86.00		
"proper multiple dependent claims now added for first time, add \$290.00 (ignore improper)			\$	0.00
Petition is hereby made to extend the current due date so as to cover the filing date of this paper and attachment(s) (\$110.00/1 month; \$420.00/2 months; \$950.00/3 months)			\$	0.00
Terminal disclaimer enclosed, add \$ 110.00			\$	0.00
<input type="checkbox"/> First/second submission after Final Rejection pursuant to 37 CFR 1.129(a) (\$770.00)				
<input type="checkbox"/> Please enter the previously unentered, filed				
<input type="checkbox"/> Submission attached			Subtotal	\$ 0.00
				-\$ 0.00

If "small entity," then enter half (1/2) of subtotal and subtract
☐ Applicant claims "small entity" status. ☐ Statement filed herewith

Rule 56 Information Disclosure Statement Filing Fee (\$180.00) \$ 0.00

Assignment Recording Fee (\$40.00) 0.00

Other:

TOTAL FEE ENCLOSED \$ 0.00

The Commissioner is hereby authorized to charge any deficiency, or credit any overpayment, in the fee(s) filed, or asserted to be filed, or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Account No. 14-1140. A duplicate copy of this sheet is attached.

1100 North Glebe Road, 8th Floor
Arlington, Virginia 22201-4714
Telephone: (703) 816-4000
Facsimile: (703) 816-4100
JW:tatNIXON & VANDERHYE P.C.
By Atty: Mary J. Wilson, Reg. No. 32,955Signature: Mary J. Wilson

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re PATENT APPLICATION OF
HAYNES et al

Serial No.: 09/960,717

Filed: September 24, 2001

For: IMMUNOGEN

Atty. Ref.: 1579-599

Confirmation No. 4196

Allowed: October 21, 2003

Group Art Unit: 1648

Examiner: Stucker, J.

October 27, 2003

LETTER UNDER RULE 312

Mail Stop Issue Fee
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Sir:

Attached is a further copy of an Amendment (and facsimile transmission receipt) filed in the above matter on August 21, 2003. Entry of that Amendment and issuance of a Supplemental Notice of Allowability are requested.

Respectfully submitted,

NIXON & VANDERBYE, P.C.

By

Mary J. Wilson
Reg. No. 32,955

MJW:tat

1100 North Glebe Road
8th Floor
Arlington, Virginia 22201-4714
Telephone: (703) 816-4000
Facsimile: (703) 816-4100

NIXON & VANDERHYE PC4 Fax:703-816-4100

**** Transmit Conf. Report ****

Aug 21 2003 17:28

P.1

Fax/Phone Number	Mode	Start	Time	Page	Result	Note
97033053014	NORMAL	21.17:28	2'21"	8	* O K	

Nixon & Vanderhye PC

ATTORNEY AT LAW

8TH FLOOR
1100 NORTH GLEBE ROAD
ARLINGTON, VIRGINIA 22201-4714

TELEPHONE: (703) 816-4000
FACSIMILE: (703) 816-4100
WRITER'S DIRECT DIAL NUMBER:
(703) 816-4011

FACSIMILE COVER SHEET PLEASE DELIVER IMMEDIATELY!!!!

Atty Dkt.: 1579-599

Date: August 21, 2003

To:

Examiner Stucker, J. - Group: 1648

Firm:

USPTO

Facsimile No.:

(703) 308-4242

(703) 305-3014

From:

Mary J. Wilson

Number of Pages (including cover sheet): 8
(IF YOU DO NOT RECEIVE ALL OF THE PAGES OR ENCOUNTER DIFFICULTIES IN TRANSMISSION,
PLEASE CONTACT US IMMEDIATELY AT (703-816-4000).

Tabitha A. Trice
FACSIMILE OPERATOR

ATTACHMENT/S: OFFICIAL PRELIMINARY AMENDMENT

MESSAGE:

In re PATENT APPLICATION OF:

HAYNES et al

Serial No.: 09/960,717

Filed: September 24, 2001

For: IMMUNOGEN COMPRISING AN HIV ENVELOPE PROTEIN, A LIGAND
AND A PEPTIDE

Nixon & Vanderhye PC

ATTORNEY AT LAW

8TH FLOOR
1100 NORTH GLEBE ROAD
ARLINGTON, VIRGINIA 22201-4714

TELEPHONE: (703) 816-4000
FACSIMILE: (703) 816-4100
WRITER'S DIRECT DIAL NUMBER:
(703) 816-4011

FACSIMILE COVER SHEET
PLEASE DELIVER IMMEDIATELY!!!!

Atty Dkt.: 1579-599 Date: August 21, 2003
To: Examiner Stucker, J. - Group: 1648
Firm: USPTO
Facsimile No.: (703) 308-4242 / (703) 305-3014
From: Mary J. Wilson

Number of Pages (including cover sheet): 8
(IF YOU DO NOT RECEIVE ALL OF THE PAGES OR ENCOUNTER DIFFICULTIES IN TRANSMISSION,
PLEASE CONTACT US IMMEDIATELY AT (703-816-4000).)

Tabitha A. Trice
FACSIMILE OPERATOR

ATTACHMENT/S: OFFICIAL PRELIMINARY AMENDMENT

MESSAGE:

In re PATENT APPLICATION OF:

HAYNES et al

Serial No.: 09/960,717

Filed: September 24, 2001

For: IMMUNOGEN COMPRISING AN HIV ENVELOPE PROTEIN, A LIGAND
AND H2 PEPTIDE

CONFIDENTIALITY NOTE

The documents accompanying this facsimile transmission contain information belonging to Nixon & Vanderhye, which is confidential and/or
legally privileged. This information is only intended for the use of the individual or entity named above. IF YOU ARE NOT THE NAMED
RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISCLOSURE, COPYING, DISTRIBUTION OR TAKING OF THIS INFORMATION FOR ANY
OTHER PURPOSE IS STRICTLY PROHIBITED. If you have received this facsimile in error, please immediately contact us by telephone to
PAGE 7/14 * RCVD AT 1/16/2004 5:11:58 PM [Eastern Standard Time] * SVR:USPTO-EFXXF-2/0 * DNIS:7465182 * CSID:703 816 4100 * DURATION (mm-ss):02:48

768208

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

Atty Dkt. 1579-599
C# M#

HAYNES et al

Group Art Unit: 1648

Serial No. 09/960,717

Examiner: Stucker, J.

Filed: September 24, 2001

Date: August 21, 2003

Title: IMMUNOGEN COMPRISING AN HIV ENVELOPE PROTEIN, A LIGAND AND H2
PEPTIDECommissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

PRELIMINARY AMENDMENT

This is a response/amendment/letter in the above-identified application and includes an attachment which is hereby incorporated by reference and the signature below serves as the signature to the attachment in the absence of any other signature thereon.

☐ **Correspondence Address Indication Form Attached.**

Fees are attached as calculated below:

Total effective claims after amendment	0	minus highest number	\$	0.00
previously paid for	20	(at least 20) = 0 x	\$	18.00

Independent claims after amendment	0	minus highest number	\$	0.00
previously paid for	3	(at least 3) = 0 x	\$	84.00

If proper multiple dependent claims now added for first time, add \$280.00 (ignore improper)

Petition is hereby made to extend the current due date so as to cover the filing date of this paper and attachment(s) (\$110.00/1 month; \$410.00/2 months; \$930.00/3 months)	\$	0.00
--	----	------

Minimal disclaimer enclosed, add \$ 110.00	\$	0.00
--	----	------

☐ First/second submission after Final Rejection pursuant to 37 CFR 1.129(a) (\$750.00)☐ Please enter the previously unentered, filed☐ Submission attached

Subtotal \$ 0.00

-\$ 0.00

If "small entity," then enter half (1/2) of subtotal and subtract

☐ Applicant claims "small entity" status. ☐ Statement filed herewith

Rule 56 Information Disclosure Statement Filing Fee (\$180.00)	\$	0.00
--	----	------

Assignment Recording Fee (\$40.00)		0.00
------------------------------------	--	------

Other:

TOTAL FEE ENCLOSED \$ 0.00

The Commissioner is hereby authorized to charge any deficiency, or credit any overpayment, in the fee(s) filed, or asserted to be filed, or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Account No. 14-1140. A duplicate copy of this sheet is attached.

1100 North Glebe Road, 8th Floor
Arlington, Virginia 22201-4714
Telephone: (703) 816-4000
Facsimile: (703) 816-4100
MJW:tatNIXON & VANDERHYE P.C.
By Atty: Mary J. Wilson, Reg. No. 32,955Signature: Mary J. Wilson